

ORDINANCE NO. 2006 - 024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO MODIFY POLICY 1.2-D TO ALLOW FOR LOWER LEVEL OF SERVICE FOR HOSPITALS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 23, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County
2 Commissioners held a public hearing to review the written comments
3 submitted by the Department of Community Affairs and to consider
4 adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendments as modified satisfy the concerns
7 addressed in the Department of Community Affairs' "Objections,
8 Recommendations and Comments Report" and comply with all requirements
9 of the Local Government Comprehensive Planning and Land Development
10 Regulations Act.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Part I. Amendments to the 1989 Comprehensive Plan**

14 Amendments to the text of the following Elements of the 1989
15 Comprehensive Plan are hereby adopted and attached to this Ordinance
16 in Exhibit 1:

17 **A. Transportation Element**, to modify Policy 1.2-D to allow for
18 a lower Level of Service for hospitals.

19 **Part II. Repeal of Laws in Conflict**

20 All local laws and ordinances applying to the unincorporated area
21 of Palm Beach County in conflict with any provision of this ordinance
22 are hereby repealed to the extent of such conflict.

23 **Part III. Severability**

24 If any section, paragraph, sentence, clause, phrase, or word of
25 this Ordinance is for any reason held by the Court to be
26 unconstitutional, inoperative or void, such holding shall not affect
27 the remainder of this Ordinance.

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29 **Part IV. Inclusion in the 1989 Comprehensive Plan**

30 The provision of this Ordinance shall become and be made a part
31 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
32 Ordinance may be renumbered or relettered to accomplish such, and the
33 word "ordinance" may be changed to "section," "article," or any other
34 appropriate word.
35

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
6 applicable. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolution shall be sent to the Florida Department of
12 Community Affairs, Division of Community Planning, Plan Processing
13 Team. An adopted amendment whose effective date is delayed by law
14 shall be considered part of the adopted plan until determined to be
15 not in compliance by final order of the Administration Commission.
16 Then, it shall no longer be part of the adopted plan unless the local
17 government adopts a resolution affirming its effectiveness in the
18 manner provided by law.

19 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
20 Beach County, on the 21st day of August, 2006.

21 ATTEST:

22 SHARON R. BOCK, CLERK

23 PALM BEACH COUNTY, FLORIDA,

24 BY ITS BOARD OF COUNTY COMMISSIONERS

25 By: [Signature]

26 Deputy Clerk

27 By: [Signature]

28 Tony Masilotti, Chairman

29 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

30 [Signature]
31 COUNTY ATTORNEY

32 Filed with the Department of State on the 29th day of

33 August, 2006.

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EXHIBIT 1

A. Transportation Element, Lower Traffic LOS for Hospitals

REVISIONS: To change language in Policy 1.2-d in order to establish a lower level of service standard on intersections for hospitals. The text changes are shown underlined for new text and ~~strikeout~~ for text proposed to be deleted.

1. **REVISED Policy 1.2-d:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, lower level of service standard for specific roadway segments and intersections are appropriate. Consequently, this policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections:
 - 1) For the public purpose of allowing public and private schools (whose primary purpose is to provide kindergarten, elementary, or high school education) to be constructed, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.
 - 2) There is a public purpose to allowing hospital (as defined in Article 1 of the Unified Land Development Code) and hospital-related uses to be constructed or expanded on the original campus or on parcels contiguous to the campus which shall provide interconnectivity. In these cases, the level of service standard permitted on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections. Any project utilizing this exception and significantly impacting Strategic Intermodal System (SIS) facilities shall be required to address its impacts on SIS facilities pursuant to ULDC.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. ROCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on **AUG 21 2006**

dated at West Palm Beach, FL on **9-7-2006**

Judith Crocker
Deputy Clerk

